

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas  
FILED

FEB 15 2012

DANNY PAUL BIBLE

X  
X  
X  
X

Clerk of Court

VS.

X Case Number: \_\_\_\_\_  
X  
X  
X  
X

BRAD LIVINGSTON

X

**MOTION FOR APPOINTMENT OF COUNSEL  
UNDER 21 U.S.C., SEC. 848(q)(4)(B)**

**(POST-CONVICTION PROCEEDING-DEATH SENTENCE IN STATE COURT)**

TO THE COURT:

COMES DANNY PAUL BIBLE, Plaintiff ("BIBLE"), through his attorney of record in his state habeas proceeding, BOB WICOFF ("WICOFF"), and requests that counsel be appointed to represent BIBLE in the preparation of his federal post-conviction application for writ of habeas corpus, and in all proceedings pursuant to such action, and would show as follows:

I.

BIBLE was convicted of capital murder and given a death sentence on June 23, 2003. The trial court was the 351<sup>st</sup> District Court of Harris County, Texas.

BIBLE'S conviction was affirmed on direct appeal on May 4, 2005. *See* 162 S.W.3d 234 (Tex.Crim.App. 2005).

An application for a writ of habeas corpus was filed in state district court in 2005.

On January 25, 2012, the Court of Criminal Appeals denied relief in a two-page order.

II.

WICOFF has represented BIBLE on his state habeas proceedings for approximately nine (9) years.

WICOFF cannot continue to represent BIBLE for the following reasons:

- 1) WICOFF is not licensed in federal court and has no expertise in death penalty habeas actions in federal court. He would be unable to render effective assistance of counsel to BIBLE;
- 2) WICOFF now works for the Harris County Public Defender's Office as chief of its appellate division. Unfortunately, such office is currently not allowed to handle any post-conviction habeas corpus matters in any court, according to the conditions of the grant that funds the public defender's office.

III.

BIBLE has been in continuous confinement on death row in Livingston, Texas since he was convicted in 2003 (and since his arrest for the offense for which he was convicted). He executed a Pauper's Oath in the state proceedings, and was provided court-appointed counsel for all state proceedings, including his trial, his direct appeal, and his state post-conviction writ. Attached to this motion is an Application to Proceed In Forma Pauperis, executed by BIBLE.

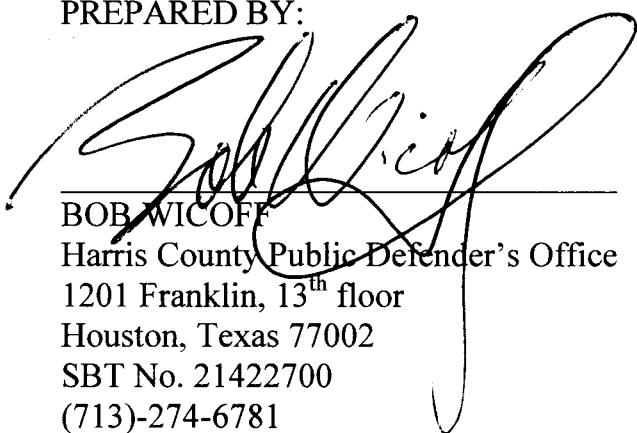
THEREFORE, BIBLE moves that he be appointed counsel to represent him in his federal writ proceedings.

Respectfully submitted,



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PREPARED BY:



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